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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/765,606

01/27/2004

Mark Rapaich

P1981US00

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01/17/2006

GATEWAY, INC.

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N. SIOUX CITY, SD 57049

EXAMINER

NGUYEN, TAI T

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/765,606	Applicant(s) RAPACH, MARK	
	Examiner Tai T. Nguyen	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “a controller located in a peripheral device” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings do not show any "a controller located in a peripheral device" as claimed.

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1-20 are objected to because of the following informalities:

Regarding claims 1 and 5 claimed for "a controller located in a peripheral device" which was not found in the drawing.

Regarding claims 1, 5, 9, 13 and 17, claimed invention "wherein the controller" is not clear which "controller" is referred to because the claims contain "a controller" and "an interface controller".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, 5, 9, 13, and 17, applicant is required to clarify what is intended by "wherein the controller compliant with the protocol" which was not clearly described in the specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbet et al. (US 6,308,215) in view Applicant Admitted Prior Art (AAPA).

Regarding claim 1, Kolbet et al. disclose a controller (30) located in a peripheral device (18) capable of engaging in data communication with a host (12) over a line (36), the controller comprising:

a power line interface (66) capable of providing a first data communications interface between the peripheral device and the host over the line (figure 1);

in interface controller (28) coupled to the line interface, the interface controller configured to connect the peripheral device with the host over to line interface using the

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first data communications interface and a second data communication interface (22) coupled to the interface controller and the peripheral device and having a protocol associated with the data communications (figure 1); and

a power supply (figure 1) coupled to the power line and the second data communications interface for supplying power associated with the second data communications interface (figure 1)

wherein the controller, in connection with information associated with the data communications received from the power line interface directed to the peripheral device, is configured to appear to the peripheral device as the host in accordance with the protocol and wherein the power supply supplies power to the second data communications interface in accordance with the protocol such that the second data communications interface is fully compliant with the protocol (figure 1, col. 3, line 36 through col. 6, line 34).

Kolbet et al. disclose claimed invention except for the system capable of engaging in data communicating over a power line. AAPA teaches that a peripheral device (110) using power line (232) capable in data communication with a host device (110, figure 2). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the power line communication as taught by AAPA in the system as disclosed by Kolbet et al. for the purpose of providing data communications between two devices located remotely from each other using power line communication to enable those two devices connected together through the power line.

Regarding claim 2, Kolbet et al. disclose the first data communications interface but not specify disclose that the first data communications includes a HomePlug Powerline interface. AAPA teaches that a data communications interface includes a HomePlug Powerline interface (figure 2).

Regarding claims 3-4, Kolbet et al. discloses the second data communications interface includes a Universal Serial Bus (USB) interface and the protocol should inherently includes a USB protocol according to at least one USB reversion 1.1 and USB reversion 2.0 (figure 1) because the USB technology on the market right now is in reversion 1.1 and 2.0.

Regarding claims 5-20, refer to claims 1-4 above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barret et al. (US 6,708,247) disclose a system to USB to allow communication with USB devices at a remote location.

Daum et al. (US 2003/0007503) disclose host controller using powerline to communicate with appliances.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'T. Nguyen', with a large, stylized initial 'T'.

Tai T. Nguyen
Examiner
Art Unit 2632

January 12, 2006